

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NORBERT C. VOLLMANN

Appeal No. 95-4595
Application 07/927,783¹

ON BRIEF

Before COHEN, LYDDANE and FRANKFORT, Administrative Patent Judges.

COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 12 through 15, 26, and 27. Claims 16 through 25, 28, 29, and 35 through 38 stand withdrawn from consideration by the examiner.

¹ Application for patent filed August 10, 1992. According to appellant, this application is a continuation of Application 07/545,307 filed June 26, 1990, now abandoned.

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Claims 30 through 34 and 39 through 46, the only other claims remaining in the application, stand allowed.

A basic understanding of the invention before us on appeal can be derived from a reading of exemplary claim 12 which follows.

12. In a recording/reproducing apparatus for use with a magnetic tape cassette, a locating pin having a conical portion extending from a free end, said conical portion having an outer surface and longitudinally extending recesses extending along a portion of said outer surface such that in cross-section transverse to its length dimension said conical portion of said locating pin has the shape of a four-pointed star.

As evidence of obviousness, the examiner has relied upon the references listed below:

Tomita et al (Tomita)	4,492,995	Jan. 8, 1985
Teragaki (Kokai Patent Application)	57[1982]-103105	Jun. 26, 1982

The following rejection is before us for review.

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Claims 12 through 15, 26, and 27 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tomita in view of Teragaki.

The full text of the examiner's rejection and response to the argument presented by appellant appears in the answer (Paper No. 26), while the complete statement of appellant's argument can be found in the brief (Paper No. 25).

OPINION

In reaching our conclusion on the obviousness issue raised in this appeal, this panel of the board has carefully considered appellant's specification and claims, the applied references, and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

We cannot sustain the examiner's rejection of appellant's claims under 35 U.S.C. § 103 for the reasons articulated, infra.

Having fully considered the tape cassette guide pin teaching of Tomita (Figure 6) and the record player center pin disclosure of Teragaki (Figure 2), individually and collectively, we are of the view that, absent appellant's disclosure and impermissible hindsight, the applied evidence of obviousness would not have been suggestive of the claimed invention to one having ordinary skill in the art. It is also readily apparent to us that even if it would have been obvious to modify the guide pin of Tomita, at best Teragaki would have been suggestive of providing the tip portion 51 of Tomita (Figure 6) with grooves to effect four elastic pieces. The resulting pin clearly would not evidence a cross-section of a conical portion having the shape of a four-pointed star, as now claimed. Thus, the applied prior art does not render the claimed invention unpatentable under 35 U.S.C. § 103.

In summary, we have reversed the rejection of claims 12 through 15, 26, and 27 under 35 U.S.C. § 103 as being unpatentable over Tomita in view of Teragaki.

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The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
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)	
WILLIAM E. LYDDANE)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS
)	AND
)	INTERFERENCES
)	
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)	
CHARLES E. FRANKFORT)	
Administrative Patent Judge)	
)	

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